

本署檔號 Our Ref.: CAB C5/7/8
來函檔號 Your Ref.: LS/B/7/01-02

電話 Tel: 2810 2064
圖文傳真 Fax: 2840 1976

29 November 2001

Mr Stephen LAM
Assistant Legal Adviser
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Stephen,

Chief Executive Election (Election Petition) Rules (L.N. 241 of 2001)

I refer to your letter of 28 November 2001.

The election petition procedure is solely designed to deal with whether or not the person declared elected was properly elected. If successful the end result is a vacancy in office and the holding of a new election. The circumstances listed in section 15 of the Rules all arrive at that end result so it would be of no purpose to continue with an election petition if any of these apply. The election petition procedure is not intended to address individual grievances. The averments in an election petition, depending on their nature, may well give grounds for other legal or administrative actions. The withdrawal of an election petition would not preclude such other avenues being pursued. This might range from complaints to the Electoral Affairs Commission, civil action against another candidate (e.g. defamation) or against a public officer (for abusing a public office) to criminal actions against candidates, agents or electoral officers under the Elections (Corrupt and Illegal Conduct) Ordinance.

The Chinese version of this letter will follow shortly.

Yours sincerely,

(Chris SUN)
for Secretary for Constitutional Affairs

c.c.	Mr Jimmy MA, LA	2868 2813
	Mrs Percy MA, CAS(2)3	2509 9055
	Miss Kitty CHENG, ALA(Temp)	2877 5029
	D of J (Attn : Mr James O'Neil	2869 0720
	Mr Gilbert MO)	2869 1302